

REFERENCE TITLE: **victim's right to refuse interview**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1126**

Introduced by  
Senator Huppenthal

**AN ACT**

**AMENDING SECTION 13-4433, ARIZONA REVISED STATUTES; RELATING TO VICTIMS' RIGHTS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-4433, Arizona Revised Statutes, is amended to  
3 read:

4 13-4433. Victim's right to refuse an interview; applicability

5 A. Unless the victim consents, the victim shall not be compelled to  
6 submit to an interview on any matter, including any charged criminal offense  
7 witnessed by the victim and that occurred on the same occasion as the offense  
8 against the victim, or filed in the same indictment or information or  
9 consolidated for trial, that is conducted by the defendant, the defendant's  
10 attorney or an agent of the defendant.

11 B. The defendant, the defendant's attorney or an agent of the  
12 defendant shall only initiate contact with the victim through the  
13 prosecutor's office. The prosecutor's office shall promptly inform the  
14 victim of the defendant's request for an interview and shall advise the  
15 victim of the victim's right to refuse the interview.

16 C. The prosecutor shall not be required to forward any correspondence  
17 from the defendant, the defendant's attorney or an agent of the defendant to  
18 the victim or the victim's representative.

19 D. If the victim consents to an interview, the prosecutor's office  
20 shall inform the defendant, the defendant's attorney or an agent of the  
21 defendant of the time and place the victim has selected for the interview. If  
22 the victim wishes to impose other conditions on the interview, the  
23 prosecutor's office shall inform the defendant, the defendant's attorney or  
24 an agent of the defendant of the conditions. The victim has the right to  
25 terminate the interview at any time or to refuse to answer any question  
26 during the interview. The prosecutor has standing at the request of the  
27 victim to protect the victim from harassment, intimidation or abuse and,  
28 pursuant to that standing, may seek any appropriate protective court order.

29 E. Unless otherwise directed by the victim, the prosecutor may attend  
30 all interviews. If a transcript or tape recording of the interview is made  
31 and on request of the prosecutor, the prosecutor shall receive a copy of the  
32 transcript or tape recording at the prosecutor's expense.

33 F. If the defendant or the defendant's attorney comments at trial on  
34 the victim's refusal to be interviewed, the court shall instruct the jury  
35 that the victim has the right to refuse an interview under the Arizona  
36 Constitution.

37 G. For the purposes of this section, a peace officer shall not be  
38 considered a victim if the act that would have made the officer a victim  
39 occurs while the peace officer is acting in the scope of the officer's  
40 official duties.

41 H. THIS SECTION APPLIES TO THE PARENT OF A MINOR CHILD WHO EXERCISES  
42 VICTIMS' RIGHTS ON BEHALF OF THE MINOR CHILD.